

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of	)	
	)	
Performance Measurements and Standards	)	CC Docket No. 01-318
for Unbundled Network Elements and	)	
Interconnection	)	
	)	
Performance Measurements and Reporting	)	
Requirements for Operations Support	)	CC Docket No. 98-56
Systems, Interconnection, and Operator	)	
Services and Directory Assistance	)	
	)	
Deployment of Wireline Services	)	CC Docket No. 98-147
Offering Advanced Telecommunications	)	
Capability	)	
	)	
Petition of Association for Local	)	CC Docket Nos. 98-
Telecommunications Services for	)	147, 96-98, 98-141
Declaratory Ruling	)	

**COMMENTS OF THE SMALL INDEPENDENT TELEPHONE COMPANIES  
ON INFORMATION COLLECTIONS**

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Attachment A

January 22, 2002

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## **SUMMARY**

The 33 small independent telephone companies listed in Attachment A (collectively, the "Small ITCs"), by their attorney, hereby submit these comments in response to the information collections proposed in the Notice of Proposed Rulemaking, FCC 01-331, released November 19, 2001, in the captioned proceeding. In their Comments filed today, the Small ITCs request the Commission to refrain from imposing performance measurements, standards and reporting requirements on small incumbent local exchange carriers (ILECs). Most small ILECs do not provide services to competitive local exchange carriers, due to the rural exemption in Section 251(f) of the Communications Act of 1934, as amended. The proposed recordkeeping and reporting requirements would be new, unnecessary regulatory burdens for small ILECs.

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**COMMENTS OF THE SMALL INDEPENDENT TELEPHONE COMPANIES  
ON INFORMATION COLLECTIONS**

The 33 small independent telephone companies listed in Attachment A (collectively, the "Small ITCs"), by their attorney, hereby submit these comments in response to the information collections proposed in the Notice of Proposed Rulemaking, FCC 01-331, released November 19, 2001 (NPRM), in the captioned proceeding.<sup>1</sup> In their Comments filed today, the Small ITCs request the Commission to refrain from imposing performance

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<sup>1</sup> Performance Measurements and Standards for Unbundled Network Elements and Interconnection, Notice of Proposed Rulemaking, CC Docket No. 01-318, FCC 01-331 (rel. Nov. 19, 2001) [hereinafter NPRM].

measurements, standards and reporting requirements on small incumbent local exchange carriers (ILECs).<sup>2</sup> Most small ILECs do not provide services to competitive local exchange carriers (CLECs), due to the rural exemption in Section 251(f) of the Communications Act of 1934, as amended (the Act). The proposed recordkeeping and reporting requirements would be new, unnecessary regulatory burdens for small ILECs.

### **BACKGROUND**

The Small ITCs are small ILECs serving rural areas of Alabama, Colorado, Florida, Georgia, Idaho, Illinois, Kansas, Maine, Nebraska, New Hampshire, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Vermont, Virginia and Washington.

Each of the 33 Small ITCs qualifies for the rural exemption in Section 251(f) of the Act. None of the Small ITCs has had the rural exemption lifted. None of the Small ITCs provides UNEs, collocation or other interconnection services to carrier-customers pursuant to Section 251(c) of the Act. None of the Small ITCs is subject to state-level regulations concerning UNEs, collocation and interconnection.

Rather than repeat the substance of the arguments in their Comments, the Small ITCs incorporate their Comments by reference herein.

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<sup>2</sup> Comments of the Small Independent Telephone Companies, CC Docket No. 01-318 (filed Jan. 22, 2002).

## INFORMATION COLLECTIONS

The Commission asks for comment on four factors concerning the information collections.<sup>3</sup> The four factors are addressed in order below.

### **A. The Proposed Information Collections Are Unnecessary**

The Commission asks whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information would have practical utility.<sup>4</sup> As discussed in the Small ITCs' Comments, the Commission has provided no evidence of complaints concerning any UNEs, collocation or other interconnection services provided by small ILECs. Thus, there is no justification for the Commission to collect information concerning the small ILECs' services.

Indeed, the Office of Management and Budget (OMB) has cautioned the Commission against adopting such unjustified reporting requirements. In the rulemaking on service quality reporting,<sup>5</sup> the OMB filed comments opposing the extension of

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<sup>3</sup> NPRM para. 97.

<sup>4</sup> Id.

<sup>5</sup> 2000 Biennial Regulatory Review - Telecommunications Service Quality Reporting Requirements, Notice of Proposed Rulemaking, CC Docket. No. 00-229, 15 FCC Rcd. 22,113 (2000).

service quality reporting requirements to small ILECs. The OMB stated:

The comments we received show a considerable cost for the reporting requirement, but do not include discussion of benefits. Absent a significant benefit being shown, we do not approve the extension in this proposal pursuant to the Paperwork Reduction Act.<sup>6</sup>

The same is true here. The Commission has shown no benefit to imposing the proposed performance regulations on the small ILECs.

#### **B. The Commission Did Not Address the Burden on Small ILECs**

The Commission asks for comment on the accuracy of its burden estimates.<sup>7</sup> But the Commission has not published an estimate of the paperwork burden on small ILECs,<sup>8</sup> so it is not possible to comment on the accuracy of any estimate.

Nevertheless, the Commission did summarize the projected recordkeeping and reporting requirements as part of its Initial Regulatory Flexibility Analysis. The Commission stated:

[W]e expect that any proposal we may adopt pursuant to this document will not substantially increase existing reporting, recordkeeping or other compliance requirements.<sup>9</sup>

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<sup>6</sup> Letter from Edward Springer, OMB, to Judy Boley, FCC 1 (Jan. 29, 2001) (available in Docket No. 00-229).

<sup>7</sup> NPRM para. 97.

<sup>8</sup> See id.; Performance Measurements and Standards for Interstate Special Access Services, Notice of Proposed Rulemaking, CC Docket No. 01-318, FCC 01-331, 66 Fed. Reg. 59,759 (FCC proposed Nov. 30, 2001) [hereinafter NPRM in Fed. Reg.].

<sup>9</sup> NPRM in Fed. Reg. para. 13.

There, the Commission referenced federal requirements for Bell Operating Companies to file performance reports, and state-level requirements for "certain carriers" to file similar reports.<sup>10</sup> By comparison, there are no federal requirements for small ILECs to file performance reports for UNEs, collocation and other interconnection services, and none of the Small ITCs is required to file such reports at the state level. Thus, the proposed recordkeeping and reporting requirements would be completely new burdens for the Small ITCs - burdens which the Commission did not estimate in the NPRM.

**C. No Enhancement Is Needed Because the Information Should Not Be Collected**

The Commission asks whether there are ways to enhance the quality, utility, and clarity of the information collected.<sup>11</sup> There is no need to consider this issue because there is no need for the Commission to collect the information in the first instance.

**D. To Minimize the Burden, Small ILECs Should Be Exempt from Performance Requirements**

The Commission asks whether there are ways to minimize the burden of the collection of information on the respondents,

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<sup>10</sup> Id.

<sup>11</sup> NPRM para. 97.



including the use of automated collection techniques or other forms of information technology.<sup>12</sup> Because there is no justification for imposing the proposed regulations on small ILECs, the way to minimize the regulatory burden is to exempt small ILECs from such regulations. Any federal rules that would require a small ILEC to implement computer-based information collections would be an unnecessary use of the small ILEC's resources.

### **CONCLUSION**

In sum, the Commission has not justified the imposition of recordkeeping and reporting requirements on small ILECs. The Small ITCs therefore respectfully request the Commission to exempt small ILECs from any performance measurements, standards and reporting requirements.

Respectfully submitted,

### **SMALL INDEPENDENT TELEPHONE COMPANIES LISTED IN ATTACHMENT A**

By [filed via ECFS]  
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Their Attorney

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<sup>12</sup> Id.

## **ATTACHMENT A**

### **SMALL INDEPENDENT TELEPHONE COMPANIES**

Armour Independent Telephone Co.  
Big Sandy Telecom Inc.  
Bluestem Telephone Company  
Bridgewater-Canistota Telephone Co.  
Chautauqua & Erie Telephone Corporation  
China Telephone Co.  
Chouteau Telephone Company  
Columbine Telecom Company  
C-R Telephone Company  
Ellensburg Telephone Company  
Fremont Telecom  
Great Plains Communications, Inc.  
GTC Inc dba GT Com Inc.  
K & M Telephone Company, Inc.  
Kadoka Telephone Co.  
Kennebec Telephone Company, Inc.  
Maine Telephone Co.  
Marianna & Scenery Hill Telephone Company  
Northland Telephone Company of Maine, Inc.  
Odin Telephone Exchange Inc.  
Peoples Mutual Telephone Company  
Sidney Telephone Company  
Standish Telephone Co.  
STE/NE Acquisition Corp. d/b/a Northland  
Telephone Company of Vermont  
The Columbus Grove Telephone Company  
Sunflower Telephone Company Inc. (Colorado)  
Sunflower Telephone Company, Inc. (Kansas)  
Taconic Telephone Corporation  
The El Paso Telephone Company  
The Orwell Telephone Company  
Union Telephone Company of Hartford  
Yates City Telephone Company  
YCOM Networks, Inc.

**CERTIFICATE OF SERVICE**

I, Susan J. Bahr, Law Offices of Susan Bahr, PC, certify that on this 22nd day of January, 2002, I have sent a copy of the foregoing to the following:

Qualex International (via email to [qualexint@aol.com](mailto:qualexint@aol.com))

[filed via ECFS]

Susan J. Bahr